

12/19/2018 9:40 AM

18CV57012

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

RITUAL ADORNMENTS, LLC

Plaintiff/Petitioner

Cause No.: 18CV57012

Hearing Date:

vs.

MASSACHUSETTS BAY INSURANCE COMPANY

Defendant/Respondent

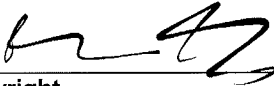
DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Oregon, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 18th day of December, 2018 at 3:15 PM at the address of 780 COMMERCIAL ST SE, SUITE 100, SALEM, Marion, OR 97301; this declarant served the above described documents upon MASSACHUSETTS BAY INSURANCE COMPANY c/o CT CORPORATION SYSTEM, REGISTERED AGENT, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with RYLYNN Poole, SERVICE OF PROCESS TECHNICIAN, PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject saying yes when named, a white male approx. 35-45 years of age with blonde hair with glasses..

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

DATED 12/18/18.



Diana Boatwright
33141 Geranium Lane, Tangent, OR 97389 541-979-3872

REF: Ritual Adornments v. Mass Bay

ORIGINAL DECLARATION
OF SERVICE

Tracking #: 0031023226 PDX FIL



12/19/2018 9:40 AM
18CV57012

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF MULTNOMAH

7 RITUAL ADORNMENTS, LLC,)
8) Case No. 18CV57012
9 Plaintiff,)
10 v.) **SUMMONS**
11)
12 MASSACHUSETTS BAY INSURANCE)
COMPANY,)
Defendant.)

13 **TO: MASSACHUSETTS BAY INSURANCE COMPANY**
14 **CT CORPORATION SYSTEM**
15 780 COMMERCIAL ST SE, SUITE 100
SALEM, OR 97301

16 You are hereby required to appear and defend the complaint filed
17 against you in the above entitled action within thirty (30) days from the date
18 of service of this summons upon you, and in case of your failure to do so, for
19 want thereof, Plaintiff(s) will apply to the court for the relief demanded in the
20 complaint.

21 **NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!**
22
23

1 You must "appear" in this case or the other side will win automatically.
 2 To "appear" you must file with the court a legal paper called a "motion" or
 3 "answer." The "motion" or "answer" must be given to the court clerk or
 4 administrator within 30 days along with the required filing fee. It must be in
 proper form and have proof of service on the plaintiff's attorney or, if the
 plaintiff does not have an attorney proof of service upon the plaintiff.

5 If you have any questions, you should see an attorney immediately. If
 6 you need help in finding an attorney, you may call the Oregon State Bar's
 Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-
 7636.

7 DATED this 14th day of December, 2018.

8 SHENKER & BONAPARTE, LLP

9 By: 
 10 Robert E.L. Bonaparte, OSB #883411
 11 Of Attorneys for Plaintiff Ritual Adornments, LLC

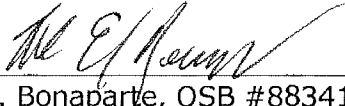
12 STATE OF OREGON)
) ss.
 13 County of Multnomah)

14 I, the undersigned attorney of record for the plaintiff, certify that the
 15 foregoing is an exact and complete copy of the original summons in the above
 entitled action.

16 By: _____
 17 Robert E.L. Bonaparte, OSB #883411

18 * * *

19 TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are
 20 hereby directed to serve a true copy of this summons, together with a true
 21 copy of the complaint mentioned therein, upon the individual(s) or other legal
 entity(ies) to whom or which this summons is directed, and to make your
 proof of service upon a separate document which you shall attach hereto.

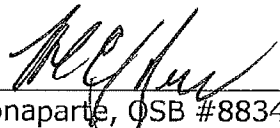
22 By: 
 23 Robert E.L. Bonaparte, OSB #883411

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 Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-
 7636.

7 DATED this 14th day of December, 2018.

8 SHENKER & BONAPARTE, LLP

9
 10 By: 
 Robert E.L. Bonaparte, OSB #883411
 Of Attorneys for Plaintiff Ritual Adornments, LLC

11 STATE OF OREGON)
 12) ss.
 13 County of Multnomah)

14 I, the undersigned attorney of record for the plaintiff, certify that the
 15 foregoing is an exact and complete copy of the original summons in the above
 entitled action.

16 By: 
 Robert E.L. Bonaparte, OSB #883411

17 * * *

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 19 hereby directed to serve a true copy of this summons, together with a true
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 21 entity(ies) to whom or which this summons is directed, and to make your
 proof of service upon a separate document which you shall attach hereto.

22 By: 
 23 Robert E.L. Bonaparte, OSB #883411

12/14/2018 2:24 PM
18CV57012

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF MULTNOMAH

7 RITUAL ADORNMENTS, LLC,) Case No.
8)
9 Plaintiff,) **COMPLAINT**
10 v.) **(Breach of Insurance**
11) **Contract)**
12 MASSACHUSETTS BAY INSURANCE)
13 COMPANY,) **(Not Subject to Mandatory**
14) **Arbitration)**
15 Defendant.) **JURY TRIAL REQUESTED**
16) **Fee Authority: ORS**
17) **21.160(1)(c)**
18) **Prayer Amount: \$100,000**

19
20 **CLAIM FOR RELIEF**
21 **(Breach of Insurance Contract)**

22 **COUNT 1**
23 **(Express Contract)**

1.

20 Plaintiff Ritual Adornments, LLC ("plaintiff") is, and at all times
21 mentioned herein was, the owner of a business located at 524 NW 23rd
22 Avenue, Portland, Oregon (the "property").
23

2.

Defendant Massachusetts Bay Insurance Company ("defendant") is, and at all times mentioned herein was, a corporation.

3.

Defendant issued insurance policy No. OD2-A514053-02 (the "policy") to plaintiff. The policy was issued for valuable consideration in the form of policy premiums, which were paid by plaintiff.

4.

Pursuant to the policy, defendant insured plaintiff's business personal property and agreed to pay for certain losses, including, but not limited to explosion and theft.

5.

While the policy was in force, on or about October 19, 2016, plaintiff suffered a loss caused by explosion. On or about October 21, 2016, plaintiff suffered a theft loss.

6.

The losses suffered by plaintiff fall within various coverages of defendant's policy, including, but not limited to, coverage for: tenant signs, fine arts, leasehold's interest, claim expense, expediting expense, precious metal theft payment charges, property of others, preservation of property and computer covered equipment. Pursuant to the terms of the policy, plaintiff sought payment from defendant for all damages. Defendant has refused to pay all of plaintiff's losses.

7.

Defendant's denial and refusal to pay all of plaintiff's damages constitutes a breach of the insurance contract.

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8.

As a result of defendant's breach of contract, plaintiff has been damaged in the amount of \$100,000.

9.

Plaintiff is entitled to attorney fees under ORS 742.061.

COUNT 2
(Implied Covenant)

10.

Plaintiff realleges and incorporates by reference the allegations in paragraphs 1-9.

11.

Defendant failed to make payment, refused to make payment, and delayed payment for losses that were caused by the explosion and theft, in violation of the policy of insurance, thus causing damages to plaintiff.

12.

Defendant violated the implied covenant of good faith and fair dealing in failing properly to investigate the loss, adjust the claim, and pay plaintiff for all the losses sustained as a result of the explosion and theft causing damages to plaintiff:

a. In mid-October, 2016, plaintiff suffered losses caused by explosion and theft.

b. Plaintiff promptly reported the losses, and provided proper proof of loss.

c. Defendant has refused to pay all of plaintiff's damages.

d. Plaintiff has supplied all information and documentation requested by defendant.

13.

It was foreseeable to defendant that if it breached its obligations under the insurance policy, plaintiff would suffer damages.

14.

As a result of the breach of contract by defendant, plaintiff has suffered damages as set forth in paragraph 8.

WHEREFORE, plaintiff prays for relief from defendant as follows:

- (a) On the CLAIM FOR RELIEF: For damages in the amount of \$100,000;
- (b) For prejudgment interest at the legal rate from October 19, 2016;
- (c) For plaintiff's attorney fees, costs and disbursements herein; and
- (d) For such other relief as the court deems just and proper.

Dated this 14th day of December, 2018.

SHENKER & BONAPARTE, LLP

By /s/Robert E.L. Bonaparte
Robert E.L. Bonaparte, OSB No. 883411
Of Attorneys for Plaintiff Ritual
Adornments, LLC

Trial Attorney:
Robert E.L. Bonaparte, OSB No. 883411